

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,)	
)	Civil Action No.: 4:08-cv-0029-TLW-TER
Plaintiff,)	
v.)	
)	
\$36,110.00 in United States Currency, and)	
One 2000 Ford Windstar Automobile,)	
White in Color, VIN #)	
2FMZA5149YBC46103, 79GA93,)	
Together with Its Equipment, Accessories)	
And Contents,)	
)	
Respondents.)	
)	

ORDER

The United States brings this in rem civil forfeiture action pursuant to 18 U.S.C. § 981(a)(1)(C) and Supplemental Rule G(2), Fed.R.Civ.P. (Doc. # 1).

This matter now comes before this Court for review of the Report and Recommendations (“the Report”) filed by United States Magistrate Thomas E. Rogers, III, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that the United States’ Motion for Default Judgment, (Doc. # 73), be granted as to potential claimants Bright, Headley, and Williams, and that a Decree of Forfeiture be entered directing that Defendant Properties, \$36,110.00 in United States Currency and One 2000 Ford Windstar Automobile, White in Color, Vin # 2FMZA5149YBC46103, be forfeited to the United States and allowing the United States Marshal’s Service to dispose of Defendant Properties as provided by law. (Doc. # 91). Potential claimant Bright has filed an objection to the report. (Doc. # 94). The United States filed a Reply to the objection. (Doc. # 95). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, *de novo*, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Docs. # 91). This Court reviewed the caselaw cited by the Magistrate Judge in his Report. After review, this Court finds the caselaw persuasive. Caselaw cited by Bright does not support his position. The Court finds neither excusable neglect nor any basis to depart from the requirements of the applicable rules. This Court also notes that Bright's assertion that there is a procedural defect in the Report is incorrect. The date of issuance of the Report was not premature. Bright appears to be referring to the response time allowed in relation to a separate motion to dismiss the government filed on November 23, 2010. (Doc. # 85). Therefore, for the reasons articulated by the Magistrate Judge, the United States' Motion for Default Judgment is granted as to potential claimants Bright, Headley, and Williams, and a Decree of Forfeiture is to be entered directing that Defendant Properties, \$36,110.00 in United States Currency and One 2000 Ford Windstar Automobile, White in Color, Vin # 2FMZA5149YBC46103, be forfeited to the United States and allowing the United States

Marshal's Service to dispose of Defendant Properties as provided by law. All other pending motions are deemed **MOOT**. (Docs. # 57, 58, 59, 74, 80, 81, 82, 83, and 85).

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

March 14, 2011
Florence, South Carolina